



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,386	03/30/2001	Monte J. Rhoads	42390P11045	7368

8791 7590 09/09/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
----------	--------------

2645

7

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,386

Applicant(s)

RHOADS, MONTE J.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 06/14/04. Claims 1-19 are pending. Claims 20-25 have been cancelled.

Response to Arguments

2. Applicant's arguments mailed on 06/14/04 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 7, 9-12, 14, 16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lioy (U.S. Patent No. 6,775,553).

Regarding claim 1, Lioy teaches a wireless communication device (i.e., wireless interface) to receive wireless signals carrying network configuration data for the mobile station 103 (i.e., network appliance) (abstract; fig.1, fig.2, fig.3A; col.1, lines 65-67, col.6, lines 1-4, 30-37).

Lioy further teaches a mobile terminal equipment TE2 (i.e., circuitry) coupled with the wireless communication device to receive the configuration data and to configure a network interface to provide access according to the network configuration

data received via the wireless communication device (fig.1, fig.2, fig.3A; col.1, lines 65-67, col.6, lines 1-4, 30-52). (Note; since, in order to configure the terminal equipment, it must have a network interface, therefore network interface is inherent)

Regarding claims 3 and 19, Liroy teaches an Internet Protocol address (abstract; col.6, lines 1-4).

Regarding claim 7, Liroy teaches the Mobile station (i.e., network appliance) further comprises inherently a cover (i.e., wireless interface cover) (fig.1; col.1, lines 65-67).

Regarding claims 9, 18 and 24, Liroy teaches that the wireless signals further comprise radio frequency signals (col.7, lines 60-62).

Regarding claim 10, Liroy teaches that the wireless interface further comprises a microstrip lines (i.e., radio frequency interface) (col.7, lines 60-62).

Regarding claim 11, Liroy teaches that the network appliance further comprises a radio frequency transmitter (col.7, lines 37-39).

Regarding claim 12, Liroy teaches receiving wireless signals containing the configuration information via a wireless communication device (i.e., first interface) (abstract; fig.1, fig.2, fig.3A; col.1, lines 65-67, col.6, lines 1-4, 30-37).

Liroy further teaches decoding the wireless signals (fig.1, fig.2; col.3, line 53- col.4, line 22, col.6, lines 30-52). (Note; since, MT2 device negotiates over U_m link and frames all packets, it is clear that MT2 decodes the wireless signals)

Liroy further teaches unframing (i.e., converting) the framed packets (i.e., decoded signals) to machine-accessible configuration information (col.6, lines 30-52).

Art Unit: 2645

Lioy further teaches configuring a mobile terminal equipment TE2 (i.e., second network interface) to operate based on the configuration information (abstract; fig.1, fig.3A; col.1, lines 65-67, col.3, line 53-col.4, line 22, col.6, lines 1-4, 30-52). (Note; since the TE2 unit made a request for the IP address and IP address is assigned based on the negotiation over the U_m link, it is clear that the IP address is for configuring the unit)

Regarding claim 14, Lioy teaches that the wireless transmitter further comprises a device capable of receiving and decoding a radio frequency signal (col.3, line 53-col.4, line 22, col.6, lines 30-52).

Regarding claim 16, Lioy teaches that the wireless device further comprises a device capable of generating, coding and transmitting a radio frequency signal (abstract; col.3, line 53-col.4, line 22, col.6, lines 1-4, 30-52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lioy (U.S. Patent No. 6,775,553) and in view of Linares et al. (U.S. Patent No. 6,442,032).

Regarding claim 2, Lioy fails to teach “a rack-mounted appliance”. Linares teaches a rack-mounted module (i.e., appliance) (col.1, lines 56-58, col.2, lines 60-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lioy to allow a rack-mounted appliance as taught by

Art Unit: 2645

Linares. The motivation for the modification is to have doing so in order to provide support guides for the module.

5. Claims 4-6, 13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lioy (U.S. Patent No. 6,775,553) and in view of Charlier et al. (U.S. Patent No. 6,577,877).

Regarding claim 4, Lioy fails to teach “a personal digital assistant (PDA)”. Charlier teaches a personal digital assistant (PDA) (col.4, lines 27-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lioy to allow a personal digital assistant (PDA) as taught by Charlier. The motivation for the modification is to have doing so in order to have the quick access to the device.

Regarding claims 5 and 17, Lioy fails to teach “infrared signals”. Charlier teaches infrared signals (col.2, lines 15-24, col.4, lines 27-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lioy to allow infrared signals as taught by Charlier. The motivation for the modification is to have doing so in order to process data signals.

Regarding claim 6, Lioy fails to teach “infrared interface”. Charlier teaches infrared peripheral interface (col.2, lines 15-24, col.4, lines 27-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lioy to allow infrared interface as taught by Charlier. The motivation for the modification is to have doing so in order to communicate with the communication device.

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claims 12 and 5.

Regarding claim 15 is rejected for the same reasons as discussed above with respect to claims 5 and 16.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lioy (U.S. Patent No. 6,775,553) and in view of Sheridan et al. (U.S. Patent No. 6,725,032).

Regarding claim 8, Lioy fails to teach "a liquid crystal display (LCD) to display the configuration data received via the wireless interface". Sheridan teaches that a liquid crystal display (LCD) to display the configuration data received via the wireless interface (abstract; col.2, lines 41-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lioy to incorporate a liquid crystal display (LCD) to display the configuration data received via the wireless interface as taught by Sheridan. The motivation for the modification is to have doing so in order to display the configuration information.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lioy et al. (U.S. Patent No. 6,483,822) teach Establishing a packet network call between a mobile terminal device and an interworking function and Grzeczowski (U.S. Patent No. 6,687,486) teach Method and apparatus to configure, provision and control a set-top terminal.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2645

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE
September 2, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang', written over the printed name and title.